

November 15, 2001

Ms. Dorothy Atwood  
Chief  
Common Carrier Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Re: *Ex Parte* Submission, *In the Matter of*  
*Numbering Resource Optimization*, Second  
Further Notice of Proposed Rulemaking  
CC Docket No. 99-200 (December 29, 2000)

Dear Ms. Atwood:

On behalf of OnStar Corporation and General Motors, we are writing to convey our strong objection to proposals to establish service or technology-specific area code overlays that would uniquely disadvantage OnStar and other providers of telematics services that employ telecommunications systems that are embedded into the electrical architecture of the vehicle.

### **Background**

OnStar, a wholly owned subsidiary of General Motors Corporation, provides telematics services to the owners of vehicles manufactured by General Motors (Chevrolet, Pontiac, Oldsmobile, Buick, Cadillac, GMC, Saturn, and SAAB) and other automotive manufacturers including Lexus (manufactured by Toyota) and Acura (manufactured by Honda). Subaru, Hummer and Audi (manufactured by Volkswagen) also have announced selected future product programs will offer OnStar. As of October 2001,

OnStar was the largest provider of such services with approximately 1.7 million subscribers.

OnStar's telematics system is integrated into the electrical architecture of the vehicle allowing the provision of services that are interactive with the vehicle such as automatic crash notification (ACN), remote diagnostics, stolen vehicle location and remote door unlock as well as call center based services and, in more recent generations of OnStar hardware, conventional wireless cellular service.

#### **OnStar's Service Offering Has Expanded to Include Traditional Cellular Calling**

The Second Further Notice of Proposed Rulemaking dated December 29, 2000, in this matter suggested in Paragraph 142 and footnote 350 that OnStar is only a call center based service. While briefly true for one generation of hardware design, OnStar's more recent hardware designs are engineered to provide both call center services and, under the brand name OnStar Personal Calling, conventional cellular service. In 2001, approximately 99% of OnStar systems will be engineered for OnStar Personal Calling. Any area code overlay would obviously and unfairly discriminate against OnStar Personal Calling in favor of hand held units.

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#### **OnStar's Service Offering Promotes Motor Vehicle Occupant Safety**

The cornerstone of OnStar's service offerings is automatic crash notification (ACN). Immediately following a crash, the vehicle initiates a call over the analog cellular network to the OnStar Call Center. That call first transmits both vehicle and GPS-based

location data and then switches to voice to allow an advisor at the Call Center to attempt to talk to the occupants. As required, the advisor will contact, and if possible, conference the vehicle occupants with the appropriate public safety answering point (PSAP) for an emergency response.

In the future, it is expected that the next generation of ACN systems will transmit additional information such as an estimate of the number of passengers, the direction of impact, whether the vehicle has rolled over and an estimate of the severity of the crash. It is important to recognize that E-911 cellular phones are not a substitute for embedded telematics systems such as OnStar because they are not interactive with the vehicle and cannot provide ACN data.

In addition to ACN, OnStar offers other emergency, safety, security and information services.<sup>1</sup>

### **Hands Free, Voice Activation Minimizes Distracted Driving**

An important feature of the OnStar System in providing all of its telematics services is that there is no handset. It is “hands-free” and “voice-activated” so that concerns about driver distraction can be minimized.

In recent months, the public policy concerns about distracted driving have increased. In 2001, there were more than 100 bills in over 40 states addressing concerns about the use of hand-held cell phones in vehicles. On June 28, 2001, New York became the first state

to enact a ban on the use of hand-held cell phones while driving. In May 2001, bills were introduced in the U.S. Senate and House of Representatives seeking to address the issue.

OnStar believes there is a clear public interest in avoiding regulatory actions that might have the unintended effect of reducing drivers' options - such as OnStar - to minimize the potential distraction associated with the use of a cell phone while driving.

### **Nationwide Availability of Automatic Crash and Other Emergency Notification Saves Lives and is in the Public Interest**

OnStar expects to have nearly 4 million subscribers by 2003. Currently, OnStar receives about 300 air bag deployment notifications per month as well as a number of other emergency response requests and expects this number to grow as the number of subscribers increases. By providing to the appropriate PSAP, timely notice, exact vehicle location and any information from the vehicle occupants learned during the voice conversation, OnStar is able to accelerate the delivery of critical emergency services to the accident scene.

Dr. Howard R. Champion, Research Professor of Surgery, University of Maryland, reports:

“The goal in trauma care is to get seriously injured patients to a trauma center for diagnosis, critical care and surgical treatment within the ‘Golden Hour’ “<sup>2</sup> (the first 60 minutes following the crash)

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<sup>1</sup> See [www.onstar.com](http://www.onstar.com) for a complete list and explanation of offered services

<sup>2</sup> Dr. Howard R. Champion, *Reducing Highway Deaths and Disabilities with Automatic Wireless Transmission of Serious Injury Probability Ratings from Crash Recorders to Emergency Medical Services Providers*, International Symposium on Transportation Recorders, May 3-5, 1999.

According to Dr. Champion:

“Currently, of the 42,000 crash deaths each year, nearly 20,000 victims die at the scene. At the scene, about 13,500 people die from injuries in rural crashes and about 6,500 in urban crashes. Of the 22,000 crash deaths that are taken to hospital many die because they arrive too late. Thousands of crash deaths occur each year in which the victim did **not** arrive at a hospital - much less at a trauma center within the ‘Golden Hour.’ ... In the future, ACN will reduce many of the longer times dramatically. With ACN, **all** crash notification times, not just **average** notification times will be reduced to about **one minute**.<sup>3</sup>”

Congress recognized the daily life saving capability of OnStar and similar wireless nationwide services and moved to support them, for example, in the E-911 legislation. In that legislation’s statement of findings and purpose, Congress found that:

“(5) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur;  
(6) the construction and operation of seamless, ubiquitous, and reliable (emphasis added) wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public, emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities.”

### **Imposition of Overlays Affecting OnStar Are Not in the Public Interest and Would Be Unfairly Discriminatory**

OnStar believes any service specific or technology specific overlays as they might apply to OnStar would be contrary to sound public policy with respect to public health and safety and would also unfairly discriminate against OnStar compared to other wireless cellular call providers.

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<sup>3</sup> Id.

Area code overlays in the absence of price regulation are inherently more expensive to consumers because wireless carriers treat the call as roaming even in the consumer's home market. In addition, personal calls into the vehicle would subject the calling party to long distance charges. This higher cost would put call center operators servicing only in-vehicle embedded telecommunications systems such as OnStar at an economic disadvantage compared to call center operators (including for example AAA's Response Center Services) that seek to provide comparable services but which are marketed and subscribed to by in-vehicle users of traditional portable cellular phones which have the benefit of a local area code and would be unburdened by the premium imposed by assignment of an overlay area code.

Beyond the unfair, discriminatory competitive impact, the imposition of this additional cost appears contrary to sound public policy for two reasons. First, it has the effect of increasing the cost of ACN and would be expected, considering accepted economic principles of supply and demand, to decrease the market acceptance of a demonstrated life saving technology.

Second, in-vehicle telematics systems like OnStar have been engineered to minimize driver distraction issues by the use of one button, hands-free dialing with voice recognition. By increasing the monthly cost for service, consumers would be expected to use portable handsets, which may or may not be equipped for hands-free, voice recognition operation, and which, in any event, are not optimized acoustically for in-vehicle performance. This raises the specter of increasing driver distraction at a time of

intense public debate about the safety of in-vehicle hand-held cell phone use as discussed earlier.

In addition, OnStar has prior experience, with overlays such as the 500 network and has found that carriers do not reliably load and maintain the assigned the line ranges. The effect of such a failure in the case of an ACN or other emergency service call could be catastrophic.

### **Conclusion**

In summary, OnStar urges the Commission to reject proposals that might lead to authorizing establishment of area code overlays that would isolate OnStar and other telematics providers with embedded hardware compared to their competitors. Such proposals would discourage the penetration of ACN by increasing the cost of the wireless service and potentially decreasing the reliability; reduce opportunities to minimize distracted driving; discriminate against call center services offered by telematics providers and discriminate against the conventional cellular calling capability offered by OnStar.

Respectfully submitted,

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